

Department of Mental Health
TRANSMITTAL LETTER

SUBJECT

DMH Americans with Disabilities Act Grievance Procedure

POLICY NUMBER	DATE	TN#
DMH Policy 760.1	July 15, 2002	13

Purpose. This new policy is established in order to meet the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA).

Applicability. Applies to any individual who believes he or she has been discriminated against on the basis of disability in employment practices and policies, or in the provision of or access to services, activities, programs, or benefits, by DMH or any of its contractors.

Policy Clearance. Reviewed by affected responsible staff and cleared through appropriate MHA offices.

Implementation Plans. A plan of action to implement or adhere to a policy must be developed by designated responsible staff. If materials and/or training are required to implement the policy, these requirements must be part of the action plan. Specific staff should be designated to carry out the implementation and program managers are responsible to follow through to ensure compliance. Action plans and completion dates should be sent to the appropriate authority. Contracting Officer Technical Representatives (COTRs) must also ensure that contractors are informed of this policy if it is applicable or pertinent to their scope of work. *Implementation of all DMH policies shall begin as soon as possible. Full implementation shall be completed within sixty (60) days after the date of this policy.*

Policy Dissemination and Filing Instructions. Managers/supervisors of DMH and DMH contractors must ensure that staff and consumers are informed of this policy. Each staff person who maintains policy manuals must promptly file this policy in Volume I of the blue **DMH** Policy and Procedures Manual and contractors must ensure that this policy is maintained in accordance with their internal procedures.

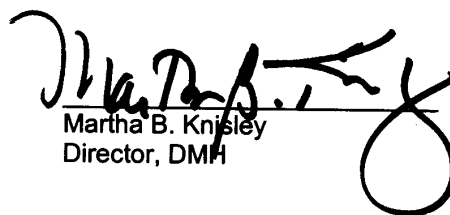
ACTION


REMOVE AND DESTROY

NONE

INSERT

DMH Policy 760.1


Martha B. Knisley
Director, DMH

GOVERNMENT OF THE DISTRICT OF COLUMBIA  DEPARTMENT OF MENTAL HEALTH	Policy No. 760.1	Date July 15, 2002	Page 1
	Supersedes None		

Subject: DMH Americans with Disabilities Act Grievance Procedure

1. **Purpose.** This new policy is established in order to meet the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA).

2. **Applicability.** Applies to any individual who believes he or she has been discriminated against on the basis of disability in employment practices and policies, or in the provision of or access to services, activities, programs, or benefits by DMH or any of its contractors.

3. **Authority.** Title II of the Americans with Disabilities Act of 1990, 28 CFR §35.101, *et seq.*

4. **Background.** The Americans with Disabilities Act provides civil rights protections to individuals with disabilities similar to those protections provided by other federal law to individuals on the basis of race, color, sex, national origin, age, and religion. The ADA guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services, and telecommunications.

5. **Policy.** Any person who believes that he or she has been discriminated against in violation of the ADA while attempting to access services or while being served by DMH or any of its contractors; or while employed or being considered for employment by DMH or any of its contractors, may file a complaint with the Department.

6. **Grievance Procedure.**

6a. **Complainant and/or Representative.**

(1) **Submit** the complaint in writing as soon as possible, but no later than 60 calendar days after the alleged violation, to:

ADA Coordinator/DMH Chief Compliance Officer and Regulatory Counsel
 Department of Mental Health
 77 P St., NE
 Washington, D.C. 20002
 Phone: (202) 673-2200 Fax: (202) 673-3433

(2) **Include** the following information about the alleged discrimination:

- Name of the complainant;
- Address;
- Phone number; and
- Date, location, and description of the complaint.

(3) Alternative means of filing a complaint, such as personal interviews or a tape recording of the complaint, will be made available, upon request, for persons with disabilities requiring such alternative means.

6b. DMH ADA Coordinator/Designee.

- (1) **Meet** with the complainant and/or representative to discuss the complaint and possible resolutions thereof within fifteen (15) calendar days after receipt of the complaint.
- (2) **Respond** in writing within fifteen (15) calendar days after the meeting. If necessary, respond in a format accessible to the complainant, such as large print, braille, or audiotape.
- (3) **Explain** the position of DMH and offer options for resolution of the complaint, if appropriate. Should the complaint pertain to services, activities, programs or benefits provided by a contractor, DMH will, if appropriate, seek to ensure the contractor's compliance with Title II.

7. Appeal Process.**7a. Complainant and/or Representative.**

If the response by the DMH ADA Coordinator/designee does not resolve the issue to the complainant's satisfaction, **appeal** to the DMH Director/designee within fifteen (15) days after receipt of the response.

7b. DMH Director/Designee.

- (1) **Meet** with the complainant and/or representative to discuss the complaint and possible resolutions thereof within fifteen (15) calendar days after receipt of the appeal.
- (2) **Respond** in writing, and where appropriate in a format accessible to the complainant, with a final resolution of the complaint, within fifteen (15) calendar days after the meeting.

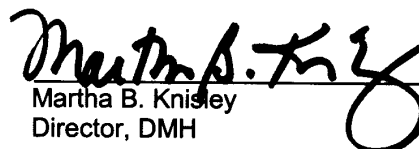
7c. If the complainant and/or representative is not satisfied with the DMH Director's final resolution of the complaint, he/she may contest the resolution in accordance with the Administrative Procedures Act, D.C. Official Code § 2-501, et seq. (2001 ed.) or seek other appropriate relief consistent with federal or local law.

8. Maintenance of Records. The DMH ADA Coordinator shall maintain the following records for at least three (3) years:

- All written complaints received by the ADA Coordinator;
- Appeals to the DMH Director; and
- DMH responses to any such complaints or appeals.

9. Dissemination of ADA Information. Managers, supervisors, and contractors will be required to disseminate publications and other materials issued by DMH that describe ADA requirements.

Approved By:


Martha B. Knisley
Director, DMH

7/15/02
(Date)